

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NIPPONKOA INSURANCE COMPANY  
LIMITED

*Plaintiff,*

- against -

NORFOLK SOUTHERN RAILWAY  
COMPANY and THE KANSAS CITY  
RAILWAY COMPANY

*Defendants.*

07 Civ. 10498 (DC)

**JUDGMENT**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/16/09

Plaintiff having filed a motion for summary judgment against defendants Norfolk Southern Railway Company and The Kansas City Railway Company, and defendants having filed a motion for summary judgment to dismiss the Complaint, and the matter having come before the Honorable Denny Chin, United States District Judge, and the Court, on November 9, 2009, having rendered its Memorandum Decision granting plaintiff's motion for summary judgment and denying defendants' motion for summary judgment, and awarding damages to plaintiff as set forth therein.

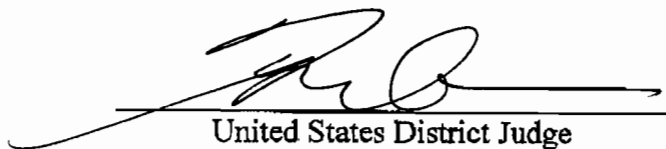
**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Decision dated November 9, 2009, plaintiff's motion for summary judgment is granted, defendants' motion for summary judgment is denied; and judgment is entered against defendants Norfolk Southern Railway Company and Kansas City Railway Company as follows:

1. NipponKoa Insurance Company limited shall recover from Norfolk Southern Railway Company and Kansas City Railway Company the principal sum of \$142,000, plus prejudgment interest at 9% per annum from May 1, 2006 until ~~date of entry of judgment~~ in the amount of \$45,201.58, for a total of 187,201.58, with costs to be taxed by the Clerk.

DC

Dated: New York, New York  
November 9, 2009

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United States District Judge

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